

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
RISEANDSHINE CORPORATION d/b/a
RISE BREWING,

Plaintiff,

-against-

21 CIVIL 6324 (LGS)

JUDGMENT

PEPSICO INC.,

Defendant.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated August 2, 2023, Defendant's motion for summary judgment is GRANTED. In connection with Defendant's motion, Plaintiff moved to strike portions of the Declaration of Thomas Britven, Defendant's expert on damages, and Defendant moved to strike or exclude the Declaration of Grant Gyesky, Plaintiff's CEO. Both motions are DENIED as moot; accordingly, the case is closed.

Dated: New York, New York

August 2, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk